



## *City of El Paso – City Plan Commission Staff Report*

**REVISED**

<b>Case No:</b>	PZDS13-00021
<b>Application Type</b>	Detailed Site Development Plan Review
<b>CPC Hearing Date</b>	January 9, 2014
<b>Staff Planner</b>	Andrew Salloum, 915-541-4633, salloumam@elpasotexas.gov
<b>Location</b>	12253 Costa Brava
<b>Legal Description</b>	Lots 52-54, Block 1, Barcelona Estates Replat "A", City of El Paso, El Paso County, Texas
<b>Acreage</b>	0.139-acre
<b>Rep District</b>	5
<b>Existing Use</b>	Single-family dwelling
<b>Existing Zoning</b>	PR- II/sc (Planned Residential II/special contract)
<b>C/SC/SP/ZBA/LNC</b>	SC: Ordinance No. 8848 dated November 11, 1986, (see Attachment #5)
<b>Request</b>	Detailed Site Plan Review per Planned Residential II District
<b>Proposed Use</b>	Canopy
<b>Property Owner</b>	Omar & Adriana Galache
<b>Representative</b>	Juan Mendez

### **SURROUNDING ZONING AND LAND USE**

**North:** PR- II/sc (Planned Residential II/special contract) / single-family dwellings  
**South:** PR- II/sc (Planned Residential II/special contract) / single-family dwellings  
**East:** PR- II/sc (Planned Residential II/special contract) / single-family dwellings  
**West:** PR- II/sc (Planned Residential II/special contract) / single-family dwellings

**THE PLAN FOR EL PASO DESIGNATION:** G-4, Suburban (Walkable)

**Nearest Park:** Sal Berroteran Park (3,131 feet)

**Nearest School:** Lujan Chavez Elementary (4,143 feet)

### **NEIGHBORHOOD ASSOCIATIONS**

Eastside Civic Association

Las Tierras Neighborhood Association

### **NEIGHBORHOOD INPUT**

Detailed Site Development Plan Review does not require public notification as per Section 20.04.520, *Notice of the El Paso City Code*.

### **CASE HISTORY**

On November 11, 1986, City Council approved the rezoning request for the subject property from R-3 (Residential) to C-3 (Commercial) and imposed conditions by Ordinance No. 8848 (see Attachment #5), in summary the conditions imposed were: dedicated right-of-way for Pebble Hills Boulevard and Loop 375, Montwood extension, that land be annexed for park usage purposes, a subdivision plat be submitted and 20 feet of landscaping along Pebble Hills Boulevard. The conditions are satisfied.

On March 2, 2004, City Council approved the rezoning for the subject property from C-3 (Commercial) to PR-II (Planned Residential II).

On April 8, 2004, City Plan Commission approved a detailed site development plan for PR-II (Planned Residential II) as per section 20.10.360 C.4. in order to permit single-family dwellings.

## **APPLICATION DESCRIPTION**

The request is for a Detailed Site Development Plan Review as required by the special purpose district PR-II (Planned Residential II), which allows for reduction in density and dimensional standards through the submittal of a detailed site development plan to be reviewed by CPC and City Council per Section 20.10.360C Planned Residential PR-II. The detailed site development plan shows a new 637 square-foot, 12 foot high, permanent canopy structure to be used as a shade area in the back yard, and an existing 3,999 square-foot single-family dwelling alongside an existing swimming pool, which is not part of this site plan review. The minimum required side street yard setback is 10 feet. The applicant is proposing to reduce the side street yard setback to zero feet, necessitating the request. The PR- II (Planned Residential II) allows for flexibility on density and dimensional standard with the submittal of a detailed site development plan with CPC and City Council review. Access to the subject property is proposed from **Costa Brava**.

## **PLANNING DIVISION RECOMMENDATION**

The Planning Division recommends **APPROVAL** of the detailed site development plan meets all the requirements of Section 20.04.150, Detailed Site Development Plan.

## **ANALYSIS**

### **20.04.140 When required.**

Except as stated herein, a detailed site development plan is required prior to development in a special purpose district or with a special permit application and may be required if a zoning condition exists on a particular piece of property. Detailed site development plans are not required for any projects for development in the Mixed Use District (RMU, GMU and IMU) or for any other projects other than those located in special purpose districts or as otherwise required herein.

*Note: Detailed Site Development Plan review is required because of special purpose district on the subject property.*

### **20.04.150 Procedure.**

- D. City plan commission approval. Pursuant to this Code, the city plan commission, in addition to the powers and duties identified in this chapter, shall have final authority on approval of all other detailed site development plans, unless a zoning condition, contract provision, other city code provision or state law require the detailed site development plan to be approved by city council.
1. The planning division shall make its recommendations to the city plan commission within thirty days after a complete application is submitted.
  2. The city plan commission shall hold a public hearing at its regular meeting that is within thirty days from receipt of department recommendations.
  3. The commission shall consider the following information when approving a proposed detailed site development plan: the boundaries of the tract proposed for development; location and arrangement of structures; determine if the use conforms to applicable zoning regulations, determine if historic landmark commission approval has been granted for architectural design of all structures if located in a historic district and the design conforms to such approval; location of utility rights-of-way and easements and stormwater drainage; vehicular and pedestrian ways; on-site parking areas; location of open spaces and landscape planted areas.
  4. In no instance shall the city plan commission have authority to vary the yard standards applicable to the district.
  5. The city plan commission shall approve the plan if it complies with all applicable code provisions.

*Planning Staff have reviewed the detailed site development plan which meets requirements therefore are recommending approval.*

### **Plan El Paso- Future Land Use Map Designation**

All applications for detailed site plan review shall demonstrate compliance with the following criteria:

G-4 – Suburban (Walkable): This sector applies to modern single use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

The purpose of the P-R II (Planned Residential II) district is to encourage planned developments as a means of creating a superior living environment through unified planning and building operations at higher residential densities. The regulations of the district are designed to encourage variety in housing needed to meet changing housing demands and to provide adequate community facilities well-located with respect to needs; to protect the natural beauty of the landscape; to encourage preservation and more efficient use of open space; to offer an opportunity for design flexibility; and encourage innovations which may result in improved relationships between uses of different types and between land uses and transportation facilities.

### **COMMENTS:**

#### **Planning Division – Transportation**

TIA is not required.

General Note:

All existing and/or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall follow the City of El Paso Design Standards for Construction and be ADA/TAS compliant.

#### **City Development Department – Plan Review**

No comments received.

#### **City Development Department - Landscaping Review**

Landscape plan is not required for the residential uses.

#### **City Development Department - Land Development**

No objections.

#### **Fire Department**

The fire department has no adverse comments therefore recommends approval of this case.

#### **El Paso Water Utilities**

We have reviewed the subdivision described above and provide the following comments:

EPWU-PSB does not object to this request.

EPWU-PSB Comments

Water

There is an existing 6-inch diameter water main that extends along Gaudi Way approximately 8 feet north of the street center line. This water main is available for service.

There is an existing 8-inch diameter water main that extends along Costa Brava approximately 8 feet north of the street right of way line. This main is available for service.

EPWU records indicate an active ¾-inch water service. The service address for this meter is 12253 Costa Brava.

Sanitary Sewer

There is an existing 8-inch diameter sanitary sewer main that extends along Gaudi Way approximately 5-feet south of the street center line. This main is available for service.

There is an existing 8-inch diameter sanitary sewer main that extends along Gaudi Way approximately 5-feet south of the street center line. This main is available for service.

General

EPWU-PSB requires a new service application to serve the subdivision. New service applications should be made 6-8 weeks in advance of construction to ensure water for construction work. The following items, if applicable, are required at the time of application: (1) hard copy of site plan with street names and addresses; (2) finalized set of improvement plans, including grading & drainage plans; (3) digital copy of site plan; (4) benchmark check; (5) construction schedule; and (6) a certificate of compliance. Service will be provided in accordance with the current El Paso Water Utilities – Public Service Board (EPWU-PSB) Rules and Regulations. The owner is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

### **CITY PLAN COMMISSION OPTIONS**

The City Plan Commission may consider the following options and additional options that it identifies when reviewing a detailed site development plan application:

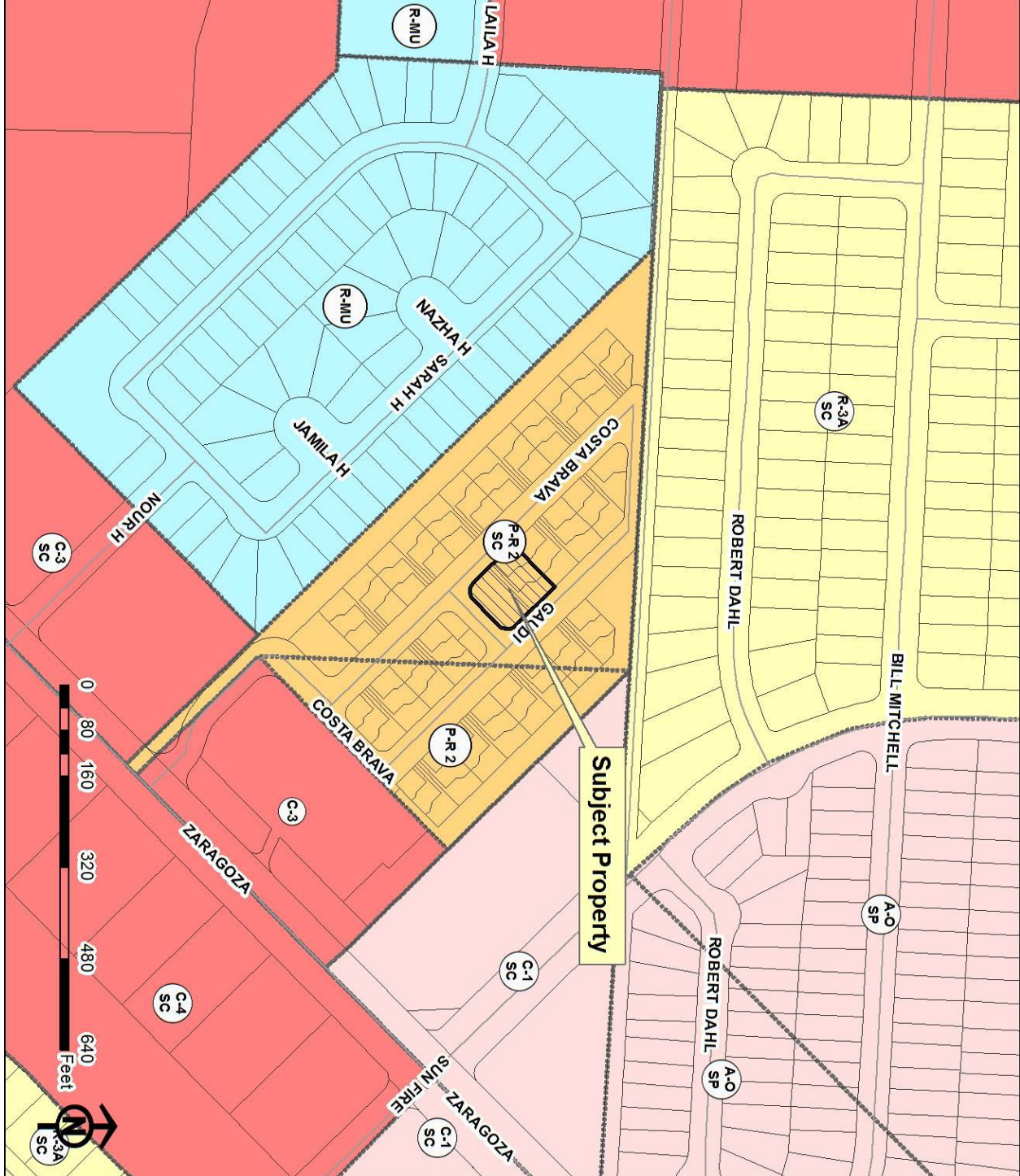
1. Recommend approval of the application finding that the detailed site development plan is in conformance with the review criteria of Plan El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the detailed site development plan into conformance with the review criteria in Plan El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that the detailed site development plan does not conform to the review criteria in Plan El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

### **Attachments**

1. Zoning Map
2. Aerial Map
3. Detailed Site Plan
4. Elevations
5. Ordinance No. 8848

ATTACHMENT 1: ZONING MAP

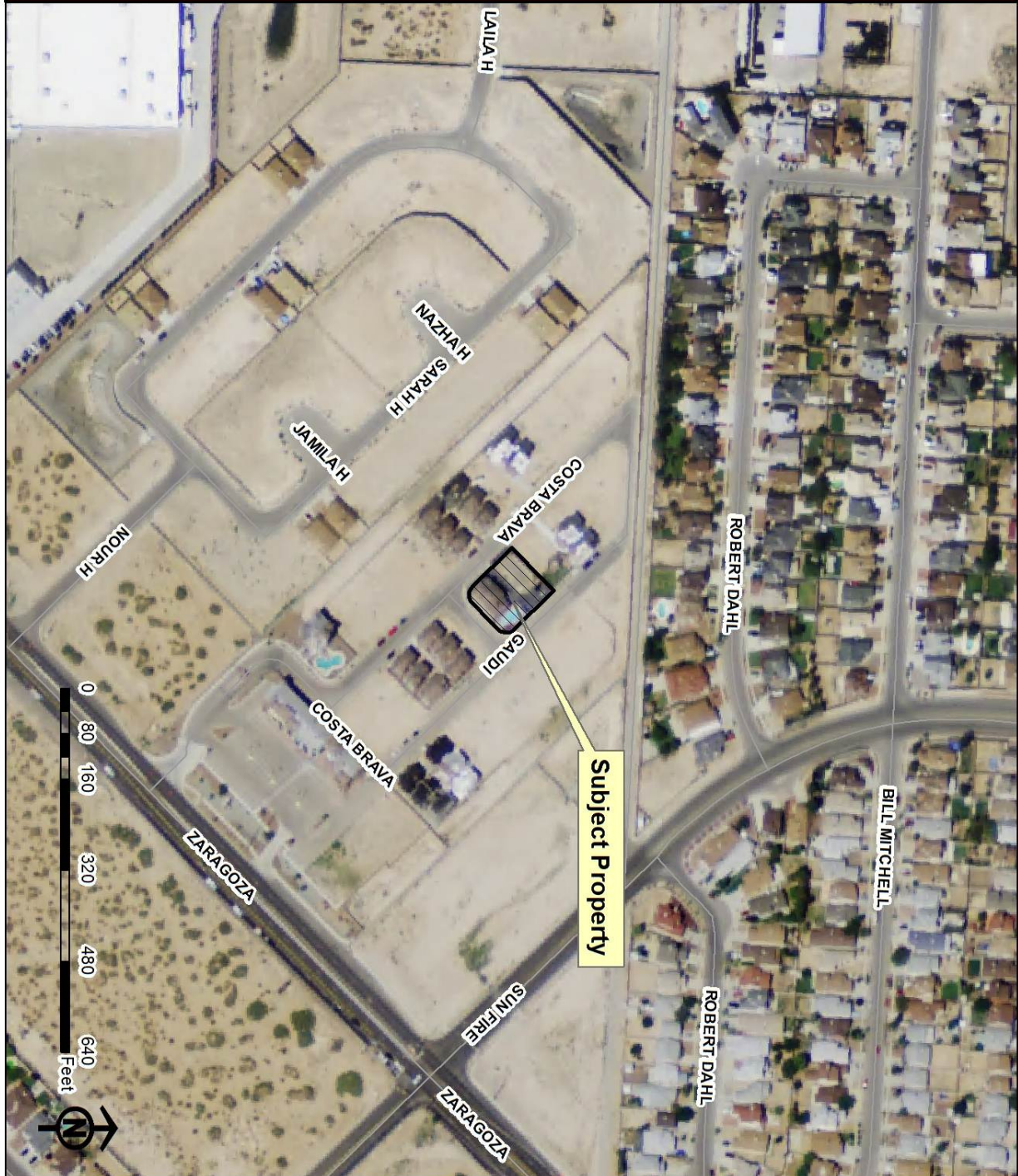
PZDS13-00021





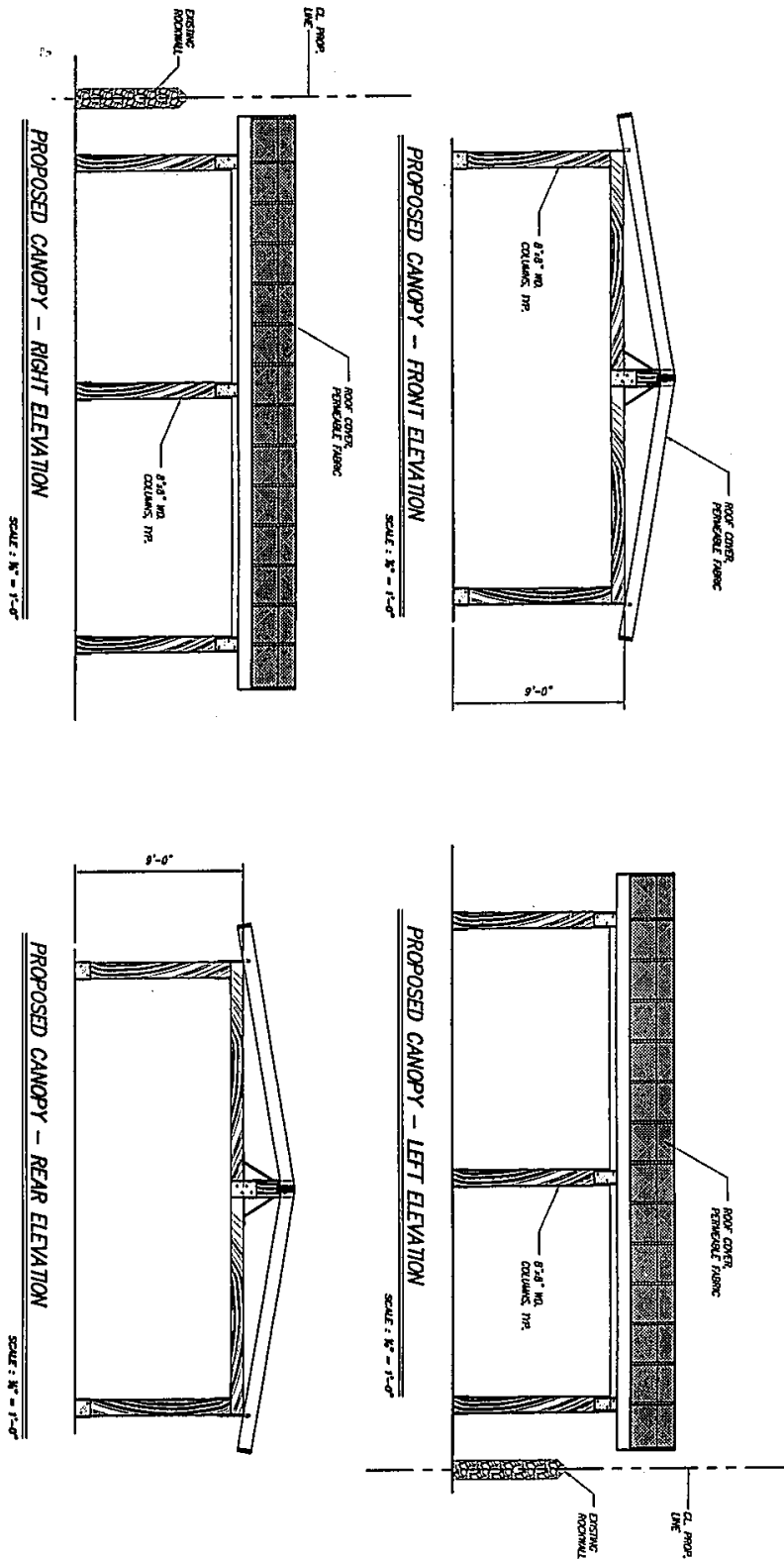
ATTACHMENT 2: AERIAL MAP

PZDS13-00021





# ATTACHMENT 4: ELEVATIONS





ATTACHMENT 6: ORDINANCE NO. 8848

008848

AN ORDINANCE CHANGING THE ZONING  
OF A PORTION OF SECTION 4, BLOCK 79,  
TSP 3, AND A PORTION OF SECTION 45, BLOCK 79,  
TSP 2, T&PRR CO. SURVEYS,  
THE PENALTY BEING AS PROVIDED IN  
SECTION 20.68.010 OF THE EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of a portion of Section 4, Block 79, Tsp. 3, and  
a portion of Section 45, Block 79, Tsp. 2, T&PRR Co. Surveys, as more  
particularly described by metes and bounds in the attached Exhibits  
"A" through "K," be changed from R-3 (Residential) to the following:

C-3 (Commercial) - Parcel 1 (48.832 acres)  
A-O (Apartment/Office) - Parcel 2 (45.405 acres)  
C-1 (Commercial) - Parcel 3 (8.781 acres)  
C-1 - Parcel 4 (9.167 acres)  
C-3 - Parcel 5 (37.130 acres)  
C-4 - Parcel 6 (14.733 acres)  
A-O - Parcel 7 (25.815 acres)  
C-1 - Parcel 8 (8.781 acres)  
C-1 - Parcel 9 (5.316 acres)  
C-1 - Parcel 10 (12.801 acres)  
C-4 - Parcel 11 (108.974 acres)

within the meaning of the zoning ordinance, subject to a special  
contract placing certain restrictions, conditions and covenants on the  
property, and that the zoning map of the City of El Paso be revised  
accordingly.

PASSED AND APPROVED this 11<sup>th</sup> day of NOVEMBER, 1986.

Jonathan W. Rye  
Mayor

ATTEST:

Carole Hunter  
City Clerk

I CERTIFY THAT THE FOLLOWING ZONING MAPS

HAVE BEEN REVISED: L.D.

6-5-87 COUNTER  
6-8-87 ORIGINAL  
6-5-87 CONTROL

Bddy. Inspection  
Spring

APPROVED AS TO FORM:

John R. Bal  
Assistant City Attorney

APPROVED AS TO CONTENT:

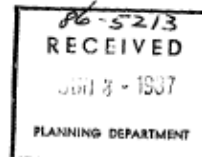
Ray S. Silyard  
Planning Department

Contract (11/1/86)

008848

I certify that the zoning map has been revised to  
reflect the amendment of ordinance #8848

R. Silyard Date 6-5-87



THE STATE OF TEXAS )  
COUNTY OF EL PASO )

CONTRACT

THIS CONTRACT, made this 17th day of November, 1986, by and between PEBBLE HILLS PARTNERSHIP and TIERRA DE MI PADRE PARTNERSHIP, First Parties, MAURICE WALLS, General Agent for T. & P. Land Trust, MERTON D. GOLDMAN, TRUSTEE, DONALD A. MALOOLY, ET AL, and GILBERT MALOOLY, Second Parties, and the CITY OF EL PASO, Third Party, witnesseth:

Application has been made to the City of El Paso for rezoning of a portion of Section 4, Block 79, Tsp. 3, and a portion of Section 45, Block 79, Tsp. 2, T&PRR Co. Surveys, City and County of El Paso, Texas, which is more particularly described by metes and bounds in the attached Exhibits "A" through "K", which are made a part hereof by reference.

To remove certain objections to such rezoning, First Parties covenant that if the property is rezoned from R-3 (Residential) to the following:

C-3 (Commercial) - Parcel 1 (48.832 acres)  
A-O (Apartment/Office) - Parcel 2 (45.405 acres)  
C-1 (Commercial) - Parcel 3 (8.781 acres)  
C-1 (Commercial) - Parcel 4 (9.167 acres)  
C-3 (Commercial) - Parcel 5 (37.130 acres)  
C-4 (Commercial) - Parcel 6 (14.733 acres)  
A-O (Apartment/Office) - Parcel 7 (25.815 acres)  
C-1 (Commercial) - Parcel 8 (8.781 acres)  
C-1 (Commercial) - Parcel 9 (5.316 acres)  
C-1 (Commercial) - Parcel 10 (12.801 acres)  
C-4 (Commercial) - Parcel 11 (108.974 acres)

within the meaning of the zoning ordinance of the City of El Paso, it shall be subject to the following restrictions, conditions and covenants:

1. Pebble Hills or its successors in interest, shall dedicate the required right-of-way and shall improve the entire 120-foot width of Montwood extension from its property line east of Loop 375 to the western boundary of El Paso Electric Company right-of-way and shall pay the cost of construction of the installation of public utilities within the Montwood Drive right-of-way whenever development of Pebble Hills' property, where it abuts Montwood or its proposed extension, takes place. Pebble Hills or its successors in interest shall dedicate and build the entire width of Montwood where it abuts its property, as required by the subdivision ordinance unless the property described as Tract 3, Section 4, Block 79, T&PRR Co. Survey, El Paso County, to the south of the proposed Montwood extension be annexed or platted prior to platting of its property by Pebble Hills. In such event, both Parties shall be required to provide right-of-way and improvements as required by ordinance.

*Ord. 8548*  
*11-11-86*

RECEIVED  
96-5-213  
11-11-86

2. City agrees that it shall enforce existing ordinances regarding denial of access to owners of property abutting Montwood Extension in Tract 3, Section 7, Block 79, Tsp. 3, T&PRR Co. Surveys, El Paso County, unless and until Pebble Hills and the City consent to the release of such access restriction, based on those property owners providing their proportionate share, based on frontage to Montwood extension, of the right-of-way and the cost of construction and improvements as required by ordinance.

3. Pebble Hills agrees to donate to the City a ten-acre parcel of land within the land to be annexed for park usage purposes. The exact location of the parcel shall be determined at the subdivision platting stage of development.

4. Pebble Hills also agrees to donate to the City a 150' x 150' parcel of property within the land to be annexed for a future fire station site. The exact location of the parcel shall be determined at the subdivision platting stage of development.

5. Pebble Hills agrees to provide twenty (20) feet of landscaping along the entire length of the easterly property line of Parcel 11, between Parcel 8 and Parcel 10 of the subject property.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Parties and their successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may amend or release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby, and without affecting the validity, or necessitating the amendment of, the ordinance passed by the City Council embodying this change of zoning and subject to this contract.

Second Parties are the owners and holders of recorded liens on the property and consent to this contract.

WITNESS THE FOLLOWING SIGNATURES AND SEALS:

PEBBLE HILLS PARTNERSHIP  
FIRST PARTY  
By SANDIA PEAK TRAM COMPANY

By   
Robert H. Murphy  
Title

President & Chairman, Sandia Peak  
Tram Company

ATTEST:

Secretary

86-5213

TIERRA DE MI PADRE PARTNERSHIP  
FIRST PARTY

By [Signature]  
Title Manager

ATTEST:

\_\_\_\_\_  
Secretary

SECOND PARTIES

~~MAURICE A. WILSON~~

~~GEORGE C. FRASER, III~~

~~GEORGE A. WILSON~~

Merton D. Goldman, Trustee  
MERTON D. GOLDMAN, TRUSTEE

Donald A. Malooly, et al.  
DONALD A. MALOOLY, ET AL

[Signature]  
GILBERT MALOOLY  
[Signature]

THE CITY OF EL PASO  
THIRD PARTY

By [Signature]  
Mayor

ATTEST:

[Signature]  
City Clerk

APPROVED AS TO CONTENT:

[Signature]  
Planning Department

APPROVED AS TO FORM:

[Signature]  
Assistant City Attorney



NEW MEXICO<sup>te</sup>  
THE STATE OF TEXAS )  
BERNALILLO<sup>te</sup>  
COUNTY OF EL PASO )

This instrument was acknowledged before me on this 14th day of November, 1986, by Robert M. Murphy, on behalf of PEBBLE HILLS PARTNERSHIP.

My Commission Expires:

10-11-88

Lisa K. Cornwell  
Notary Public, State of Texas  
OFFICIAL SEAL  
LISA K. CORNWELL  
NOTARY PUBLIC STATE OF NEW MEXICO  
Notary Bond Filed with Secretary of State  
My Commission Expires 10-11-88

THE STATE OF TEXAS )  
COUNTY OF EL PASO )

This instrument was acknowledged before me on this 11th day of December, 1986, by Gilbert M. Moseley Sr., on behalf of TIERRA DE MI PADRE PARTNERSHIP.

NATALIE GOMEZ, Notary Public  
in and for the State of Texas  
My Commission Expires July 31, 1989

Natalie Gomez  
Notary Public, State of Texas

My Commission Expires:

7/31/89

THE STATE OF TEXAS )  
COUNTY OF EL PASO )

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 1986, by MAURICE A. WILSON.

\_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires:

THE STATE OF TEXAS )  
COUNTY OF EL PASO )

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 1986, by GEORGE C. FRASER, III.

\_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires: